

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**SPECS GmbH, and
SPECS SURFACE AND
NANO ANALYSIS, INC.,**

Plaintiffs,

CASE NO.: 8:12-cv-429-T-30EAJ

v.

**SPECS SCIENTIFIC
INSTRUMENTS, INC.,
a Florida corporation;
SPECS TECHNOLOGIES
CORPORATION, a Florida
corporation; and DIETRICH
von DIEMAR, an Individual,**

Defendants.

CONTEMPT ORDER

THIS CAUSE comes before the Court upon the hearing held on October 16, 2013 at which Defendants SPECS Scientific Instruments, Inc., SPECS Technologies Corporation and Dietrich von Diemar were directed to appear and show cause why they should not be held in contempt for failure to comply with the requirements of the April 30, 2013 Amended Final Judgment and Permanent Injunction against Defendants SPECS Scientific Instruments, Inc. and SPECS Technologies Corporation (Dkt. No. 27) and the Summary Final Judgment and Permanent Injunction against Defendant, Dietrich von Diemar (Dkt. No. 28) (collectively, the “Final Judgments and Permanent Injunctions”).

Counsel for Plaintiffs and *pro se* Defendant Dietrich von Diemar were in attendance at the hearing and presented argument to the Court.

The record shows that Dietrich von Diemar, as well as the corporate defendants, received actual notice of the Final Judgments and Permanent Injunctions. The Final Judgments and Permanent Injunctions have not been modified or reversed. The Defendants were enjoined from:

[A]dvertising, marketing, promoting, soliciting, selling, and/or offering for sale any goods and/or services including, but not limited to, systems and components for surface analysis, not authorized by Plaintiffs, bearing unauthorized simulations, reproductions, counterfeits, copies or colorable imitations of the SPECS Trademarks.
(Dkt. Nos. 27, at p. 2; 28 at p. 3).

The record evidence establishes that Defendants violated the Final Judgments and Permanent Injunctions as follows:

- Defendants operate a business named “NANOSPECS Corporation” which is confusingly similar to Plaintiffs’ SPECS Trademarks;
- Defendants use the domain name www.nano-specs.com; and
- Defendants maintain a website at the www.nano-specs.com domain which uses Plaintiffs’ SPECS Trademarks in connection with the sale of goods, specifically systems and components for surface analysis, on numerous occasions within the website including the use of the name “Specs Scientific Instruments.”

Dietrich von Diemar did not present any evidence at the show cause hearing.

For the reasons stated above and on the record, it is **ORDERED AND ADJUDGED** that:

1. Defendant Dietrich von Diemar is hereby held in contempt of court for violating the Amended Final Judgment and Permanent Injunction against Defendants Specs Scientific Instruments, Inc. and Specs Technologies Corporation (Dkt. #27) and the Summary Final Judgment and Permanent Injunction against Defendant, Dietrich von Diemar (Dkt. #28).
2. Mr. von Diemar is hereby sentenced to incarceration for thirty (30) days in jail; the Court provides Mr. Von Diemar until November 15, 2013 to purge himself of the contempt by removing any reference to “Specs Scientific Instruments” from his website at www.nano-specs.com and by removing the term “SPECS” from his company’s name.
3. If Mr. von Diemar does not purge himself by removing any reference to “Specs Scientific Instruments” from his website at www.nano-specs.com and by removing the term “SPECS” from his company’s name by **Friday November 15, 2013**, he shall report to the U.S. Marshal’s Office, located at the Sam M. Gibbons United States Courthouse, 801 N. Florida Ave., 4th Floor, Tampa, Florida, on **Monday, November 18, 2013, at 9:00 a.m.**, to be processed and to begin serving his sentence.

DONE AND ORDERED in Tampa, Florida, on this 23rd day of October, 2013.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record
U. S. Marshal’s Office